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01 FEB 17 2009

02 AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 HECTOR FRANCISCO DIAZ,) CASE NO. C08-1371-JLR
06) (CR07-108-JLR)
07 Petitioner,)
08 v.)
09 UNITED STATES OF AMERICA,) ORDER DENYING § 2255 MOTION
10 Respondent.)

11 The Court, having reviewed petitioner's § 2255 motion, the government's response, the
12 Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate
13 Judge, any objections thereto, and the remaining record, does hereby ORDER:


- 14 (1) The Court adopts the Report and Recommendation;
- 15 (2) Petitioner's § 2255 motion (Dkt. No. 1) is DENIED and this action is
16 DISMISSED with prejudice; and
- 17 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
18 respondent, and to Judge Theiler.

19 DATED this 17th day of Feb., 2009.

20



08-CV-01371-ORD


JAMES L. ROBART
United States District Judge

ORDER DENYING § 2255 MOTION
PAGE -1